

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY and ALLSTATE
NEW JERSEY INSURANCE COMPANY,

Plaintiffs,

v.

YAKOV AMINOV, ABRAHAM LAYLIEV,
ROBERT TERDJANIAN, GALINA VOVK also
known as VALENTINA BABUCEA, VLADISLAV
AGUVAYEV, OLEG SIMAKOV, SERGEY
MEZKULA, GRIGOL APRESYANTSI, MARIFAT
DAVLATKHONOVA, MICHAEL ZAVRAZHIN,
GNK MEDICAL SUPPLY, INC., HIGHLAWN
BEST MEDICAL SUPPLY, INC., AVR
MEDICAL SUPPLY, INC., FRAZIER TRADING
CO., INC., A TO Z WHOLESALE, INC., BULLS
EYE WHOLESALE, INC., E-Z SUPPLY, INC.,
GLOBAL BEST DEAL, INC., GRIGOL
SUPPLY, INC., HONO OFFICE SUPPLY, INC.,
MEDCURE SUPPLIES, INC., TELYA CORP.,
MAJOR MARKET MERCHANDISE, INC.,
VZ GROUP, INC., JOHN DOES 1 THROUGH 20
and ABC CORPORATIONS 1 THROUGH 20,

Defendants.

MARGO K. BRODIE, United States District Judge:

Plaintiffs Allstate Insurance Company, Allstate Indemnity Company, Allstate Property & Casualty Insurance Company, and Allstate New Jersey Insurance Company (collectively “Allstate”) filed a Complaint on May 18, 2011, against numerous defendants alleging violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961, 1962(c), 1964(c), and state common law claims of fraud and unjust enrichment. (Docket Entry

MEMORANDUM & ORDER
11-CV-2391 (MKB)

No. 1.) Allstate seeks to recover money fraudulently obtained by defendants in connection with a “massive scheme to defraud automobile insurance companies” using New York State’s no-fault system. (Docket Entry No. 10, ¶¶ 1–2.)

Twenty-three defendants failed to appear in this action: Vladislav Aguvayev, Yakov Aminov, Grigol Apresyantsi, Marifat Davlatkhonova, Sergey Mezkula, Oleg Simakov, Robert Terdjanian, Galina Vovk a/k/a Valentina Babucea, Michael Zavrazhin, A to Z Wholesale, Inc., AVR Medical Supply, Inc., Bulls Eye Wholesale, Inc., E-Z Supply, Inc., Frazier Trading Co., Inc., Global Best Deal, Inc., GNK Medical Supply, Inc., Grigol Supply, Inc., Highlawn Best Medical Supply, Inc., Hono Office Supply, Inc., Major Market Merchandise, Inc., Medcure Supplies, Inc., Telya Corp. and VZ Group, Inc. (the “Defaulting Defendants”). (Docket Entry Nos. 125–136, 138–140, 144–145, 152–155, 169–170.) Allstate sought and obtained notices of default against the Defaulting Defendants. (Docket Entry Nos. 107–36, 138–40, 144–45, 147–55, 169–70.) Allstate subsequently moved for default judgments. (Docket Entry No. 171.) By Report and Recommendation (“R&R”) dated November 18, 2013, Magistrate Judge Joan M. Azrack recommended that default judgments be entered against the Defaulting Defendants in the following amounts:

Defendant	RICO Damages	Common Law Damages	Total Damages
Vladislav Aguvayev	\$1,311,552.73		\$1,311,552.73
Frazier Trading Co., Inc.	\$1,311,552.73		\$1,311,552.73
Yakov Aminov	\$857,760.04		\$857,760.04
GNK Medical Supply, Inc.	\$857,760.04	\$202,239.32	\$1,059,999.36
Highlawn Best Medical Supply, Inc.	\$857,760.04	\$133,413.68	\$991,173.72
Grigol Apresyantsi	\$695,824.83		\$695,824.83
Marifat Davlatkhonova	\$695,824.83		\$695,824.83
Sergey Mezkula	\$695,824.83		\$695,824.83
E-Z Supply, Inc.	\$695,824.83		\$695,824.83
Global Best Deal, Inc.	\$695,824.83		\$695,824.83

Defendant	RICO Damages	Common Law Damages	Total Damages
Grigol Supply, Inc.	\$695,824.83		\$695,824.83
Hono Office Supply, Inc.	\$695,824.83		\$695,824.83
Medcure Supplies, Inc.	\$695,824.83		\$695,824.83
VZ Group, Inc.	\$695,824.83		\$695,824.83
A to Z Wholesale, Inc.	\$1,851,802.15		\$1,851,802.15
Bulls Eye Wholesale, Inc.	\$1,851,802.15		\$1,851,802.15
Oleg Simakov	\$1,851,802.15		\$1,851,802.15
Robert Terdjianian	\$205,149.04		\$205,149.04
Galina Vovk	\$205,149.04		\$205,149.04
Telya Corp.	\$205,149.04		\$205,149.04
Major Market Merchandise, Inc.	\$205,149.04		\$205,149.04
Michael Zavrazhin	\$205,149.04		\$205,149.04
AVR Medical Supply, Inc.		\$77,640.16	\$77,640.16

(Docket Entry No. 184.) No objections were filed.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. New York State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cnty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”).

The Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Azrack's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Clerk of Court is directed to enter default judgments against the Defaulting Defendants in the amounts set forth above.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: February 7, 2014
Brooklyn, New York